

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

V.

BENJAMIN SHACAR

Defendant.

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) CRIMINAL NO: 21-CR-30028-MGM

AFFIDAVIT

William J. O'Neil, on his oath, deposes and says as follows:

1. My name is William J. O'Neil, and I was appointed to represent the defendant, Benjamin Shacar, in the above-entitled case.
2. Mr. Shacar is charged in an indictment with one count of possession of child pornography and ten counts of receipt of child pornography.
3. I was not the original counsel for Mr. Shacar. I was appointed to represent him on March 10, 2023. At the time of my appointment, I understood that Mr. Shacar had been released pursuant to an order of this court and that he was on a curfew with GPS monitoring.
4. On January 12, 2024, I spoke with United States Probation Officer Kristen Vella who informed me that the probation office had discovered a discrepancy between the Court's order of release conditions of March 31, 2021 and the manner in which both the defendant and probation have interpreted that order. The order of conditions indicates a home confinement requirement while both the defendant and probation have understood the condition to be a 7:00 p.m. to 7:00 a.m. curfew with GPS monitoring.
5. I have discussed this issue with Mr. Shacar who is understood that at the time of the detention hearing, the Court ordered him to comply with a 7:00 p.m. to 7:00 a.m. curfew with location monitoring. The location monitoring condition was amended to a GPS monitoring condition.
6. It is my understanding that while abiding by the above-described curfew and GPS monitoring, Mr. Shacar has been fully compliant with his release conditions.
7. Since I was not present at the detention hearing, I requested an audio recording of the detention hearing. I was advised that the hearing was not audio recorded and that a

stenographer was present at the detention hearing. I reached out to the stenographer, Debra Joyce, who confirmed that she was the stenographer assigned to Mr. Shacar's detention hearing and that she was prepared to prepare a transcript of the hearing.

8. I have discussed this matter with the probation officer supervising Mr. Shacar, and she does not object to the imposition of the curfew described above as well as GPS monitoring already in place. I have reached out to the government but I have yet to receive its position with respect to this motion

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY on this 24th day of January 2024.

/s/ William J. O'Neil
WILLIAM J. O'NEIL